

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2/13/2019</u>

-----X
LUIS ROMAN,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

17-CV-2804 (VSB) (DCF)

ORDER

Appearances:

Luis Roman
Pro se Plaintiff

Susan Colleen Branagan
U.S. Attorney's Office for the Southern District of New York
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff Luis Roman brings this action seeking judicial review of the final decision of the Acting Commissioner of Social Security ("Defendant"), denying Plaintiff Social Security disability insurance benefits under Title II of the Social Security Act on the ground that Plaintiff's impairments did not constitute a disability for purposes of the Act. This case was referred to Magistrate Judge Debra C. Freeman for a report and recommendation on the motion. (Doc. 8.)

On December 20, 2017, Defendant moved to remand the action for further proceedings, (Doc. 19), but Plaintiff did not file a response or otherwise respond to the motion. Before me is

Judge Freeman's May 9, 2018 Report and Recommendation, (Doc. 24), which recommends that Defendant's motion to remand the action for further proceedings be granted.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days from service of this Report to file written objections," (Doc. 24 at 19), neither party has filed an objection. I have reviewed Judge Freeman's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

Defendant's motion is GRANTED, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to terminate all open motions, and to enter judgment remanding this case to the Commissioner of Social Security.

SO ORDERED.

Dated: February 13, 2019
New York, New York


Vernon S. Broderick
United States District Judge